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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/378,018 08/19/99 COOK

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021396 TM02/0606  
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EXAMINER

CALVE, J

ART UNIT

PAPER NUMBER

2164

DATE MAILED:

06/06/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.  
09/378,018

Applicant(s)  
COOK, Fred S.

Examiner  
Jim Calve

Art Unit  
2164



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Aug 19, 1999
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☒ Interview Summary (PTO-413) Paper No(s). 3
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 20) ☐ Other:

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## DETAILED ACTION

### *Claim Objections*

1. Claims 1-28 are objected to because of the following informalities:
  - a. The claims in this application do not commence on a separate sheet in accordance with 37 CFR 1.52(b). Appropriate correction is required.
  - b. Claims 21-28 are objected to because they recite a computer-readable medium and depend from claim 14, which recites a method. Claims 21-28 should depend from claim 15, which recites a computer-readable medium and have been examined accordingly. (Please see Interview Summary, Paper #3).

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

3. Claims 1-9, 12, 13, 15-23, and 26-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Dickerman et al, U.S. patent 6,160,874.

Dickerman et al disclose a method and computer-readable medium interface, including receiving a communications services event (e.g., request to bill credit card during phone call) (e.g., column 5, line 55 et seq; column 8, line 31 et seq; column 22, line 23 et seq), converting the event format (e.g., from UDP/IP to X.25 protocol) (e.g., column 7, line 10 et seq), and

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transferring the formatted event to a financial bank card network (e.g., column 2, line 65 et seq; column 7, line 37 et seq).

Dickerman et al also disclose a pre-authorization hold request (e.g., column 8, line 20 et seq), determining a charge amount including tariffing and taxing (e.g., inherently disclosed) (e.g., column 2, line 30 et seq; column 9, line 15 et seq; column 11, line 44 et seq), receiving pre-authorization/rejection and hold response and signaling the communications service (e.g., column 8, line 10 et seq; column 12, line 64 et seq; column 16, line 37 et seq; column 17, line 50 et seq), forced post request, as broadly recited (e.g., column 2, line 30 et seq; column 2, line 60 et seq; column 3, line 41 et seq; column 4, line 9 et seq), communication system protocol and bank card format (e.g., column 2, line 65 et seq).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 10, 11, 24, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dickerman et al, in view of either of Jagadish et al, U.S. patent 5,844,972, or Cheslog, U.S. patent 5,659,601.

Dickerman et al disclose a method and computer-readable medium providing an interface between financial and communication networks/systems, as discussed, including forced post

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request (e.g., column 4, line 9 et seq). To the extent that Dickerman et al do not disclose inherently forced post requests of calculated discounts or surcharges based on accumulated usage, Jagadish et al disclose a method and computer-readable medium, including accumulating plural data structures to calculate discounts/surcharges and initiating forced post requests (e.g., step 210) (Figure 2a). Further, Cheslog discloses a method and computer-readable medium, including accumulating plural data structures to calculate discounts/surcharges and initiating forced post requests therefor at the end of a billing cycle (e.g., column 2, line 65 et seq; column 4, line 53 et seq). Forced post request processing of discounts/surcharges provides an improved customer account accounting means to retroactively adjust a customer billing account to reflect certain types of billing plans (e.g., Jagadish et al, column 6, line 16 et seq; Cheslog, column 5, line 6 et seq). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide forced post request processing of discounts/surcharges, as taught by either of Jagadish et al or Cheslog, on the method and computer-readable medium of Dickerman et al, as a means to provide improved an efficient accounting means for various billing plans. Further, to the extent that Jagadish et al do not disclose, expressly or inherently, discount calculation at the end of a billing cycle (e.g., when particular usage pattern does not trigger a particular surcharge/discount until the end of a billing cycle), it would have been obvious to one of ordinary skill in the art at the time of the invention to perform a final account of a customer billing account at the end of a billing cycle as a means of simplified batch processing of all transactions for that period simultaneously upon a final accounting for that particular billing period.

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6. Claims 14 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dickerman et al, in view of the Admitted Prior Art (page 8, lines 8-11 of the Application).

Dickerman et al disclose a method and computer-readable medium for providing an interface between financial and communication networks/systems, including conversion to a bank card format (e.g., column 3, line 41 et seq; column 7, line 23 et seq). To the extent that Dickerman et al do not disclose inherently a particular bank card format, the Admitted Prior Art discloses that Visa I, Visa II, ASPDH, and SET are well-known formats used in the bank card processing industry. Providing a method and computer-readable medium that converts communications service event data into Visa I, Visa II, ASPDH, or SET formats provides an improved interface and gateway for conversion of communications event data into well-known bank card processing formats for use in a financial processing network (e.g., Dickerman et al, column 2, line 7 et seq; column 2, line 30 et seq; column 2, line 65 et seq). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a method and computer-readable medium at an interface/gateway that converts communications event data into bank card processing data for converting the data into well-known bank card processing data formats/protocols as a means to facilitate data processing.

#### *Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. McMullin, U.S. patent 6,222,914.
- b. Tehan, U.S. patent 6,201,956.


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- c. McGregor et al, U.S. patent 6,198,915.
- d. Rahman et al, U.S. patent 6,167,250.
- e. Clark, U.S. patent 6,081,791.
- f. Morrill, Jr., U.S. patent 5,991,749.
- g. Baum et al, U.S. patent 4,979,207.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jim Calve, whose telephone number is (703) 308-1884. Examine can be reached on Monday through Friday from 6:45 am to 6:45 pm. If the examiner is unavailable, the examiner's supervisor, Vincent Millin, may be reached at 703-308-1065. The fax number of the organization is 703-305-9051/9052. Any inquiry of a general nature should be directed to the receptionist at 703-305-3900.

JPC  
JPC

May 25, 2001

  
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